



Entered on Docket
April 11, 2011


Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Secured Creditor WELLS FARGO BANK, N.A. ALSO KNOWN AS
WACHOVIA MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A.,
AND FORMERLY KNOWN AS WACHOVIA MORTGAGE
FSB, FORMERLY KNOWN AS WORLD SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re
WENDY C. BENAVIDES ,
Debtor(s).

Bankruptcy Case No. BK-S-10-13271-lbr
Chapter 13

WELLS FARGO BANK, N.A. ALSO
KNOWN AS WACHOVIA
MORTGAGE, A DIVISION OF WELLS
FARGO BANK, N.A., AND FORMERLY
KNOWN AS WACHOVIA MORTGAGE
FSB, FORMERLY KNOWN AS WORLD
SAVINGS BANK, FSB'S ORDER
TERMINATING AUTOMATIC STAY
Date: March 30, 2011
Time: 10:30 a.m.

1 A hearing on Secured Creditor Wells Fargo Bank, N.A. also known as Wachovia
2 Mortgage, a division of Wells Fargo Bank, N.A., and formerly known as Wachovia Mortgage
3 FSB, formerly known as World Savings Bank, FSB's Motion for Relief From the Automatic
4 Stay came on regularly for hearing in the United States Bankruptcy Court before the Honorable
5 Linda B. Riegle, Matthew M. McArthur appearing on behalf of Secured Creditor.

6 The court having duly considered the papers and pleadings on file herein and
7 being fully advised thereon and finding cause therefor:

8 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

9 The automatic stay of 11 United States Code section 362 is hereby immediately
10 terminated as it applies to the enforcement by Movant of all of its rights in the real property
11 under the Note and Deed of Trust encumbering the real property commonly known as 7200 John
12 Glenn Cir, Las Vegas, Nevada 89145 ("Real Property"), which is legally described as:

13 LOT EIGHT (8) IN BLOCK THREE (3) OF
14 CHARLESTON RAINBOW UNIT NO. 11-E, AS
15 SHOWN BY MAP THEREOF ON FILE IN BOOK
16 17 OF PLATS, PAGE 16 IN THE OFFICE OF
17 THE COUNTY RECORDER OF CLARK
18 COUNTY, NEVADA.

19 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Movant and/or
20 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale
21 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days
22 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at
23 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the
24 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada
25 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to
26 provide 7 days' notice to the Debtor(s).

27 /. /

28 /. /

/. /

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may
2 offer and provide Debtor with information re: a potential Forbearance Agreement, Loan
3 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and
4 may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to
5 enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this
6 bankruptcy case.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of
8 this Order, the Trustee shall cease payment on Secured Creditor's Proof of Claim. Secured
9 Creditor's Proof of Claim is allowed in t he amount of payments made to date by the Trustee.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon
11 disposition of the Real Property, Secured Creditor may amend said Proof of Claim and share in
12 any distribution from the date of the filing of the amended Claim pursuant to the confirmed Plan.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee is
14 not required to recover previous distributions from other creditors for distribution on Secured
15 Creditor's amended claim. This may result in a percentage of payment on Secured Creditor's
16 amended Claim different than to other creditors.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order
18 shall be binding and effective and supersede any subsequently entered confirmation order that
19 confirms a Chapter 13 Plan of Reorganization providing for the treatment of Movant's claim.
20

21 APPROVED/DISAPPROVED APPROVED/DISAPPROVED
22

23 MICHAEL J. DAWSON RICK A. YARNALL
24 DEBTOR(S) ATTORNEY TRUSTEE
25 /./.
26 /./.
27 /./.
28 /./.

1 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 The court has waived the requirement set forth in LR 9021(b)(1).
4 No party appeared at the hearing or filed an objection to the motion.
5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
6 and any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each party and whether the
8 party has approved, disapproved, or failed to respond to the document]:

9 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
10 with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of
11 the order.

12 Approved.

13 Disapproved.

14 Failed to respond. - Debtor's Attorney/Trustee

15 ###

16 Submitted by:

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